OIPE
MAR. 13 2006
PATENT & TRADEMARK OFFICE
IAP59

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March 9, 2006

Attention: Ms. Williams
Office of Initial Patent Examination (OIPE)
United States Patent and Trademark
Office
P. O. Box 1450
Alexandria, VA 22313-1450

Re: FUJIKAWA et al
USSN: 10/759,868
Filed: 1/15/04
Our Ref: MM 4658
Client/Matter No. 076965/sek01

Dear Ms. Williams:

We requested reinstatement of our application as above identified on August 26, 2005, which was improperly abandoned by the USPTO. We have attached another copy of our Petition and request expedited consideration.

Respectfully,

Eugene Lieberstein

EL:lf

OIPE IAP59
MAR 13 2006
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF:

FUJIKAWA, et al

SERIAL NO.: 10/759,868

FILED: January 15, 2004

FOR: DATA READING APPARATUS

GROUP:

EXAMINER:

COPY

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450
MAIL STOP PETITIONS

S I R:

This is a petition to withdraw abandonment of the subject application for failure to respond to a Notice To File Missing Parts which was never received by the applicant.

Applicant, in preparing to file a further Information Disclosure Statement in the above-identified application, noticed that a filing receipt had never been received in the application. Applicant then tried to check up on the application online by using PAIR but was unsuccessful. Upon calling the Office of Initial Patent Examination (OIPE) we were advised by Mr. Williams that the application was abandoned for failure to respond to a Notice To File Missing Parts which we never received. A printout from applicant's docket system is attached which shows that a Notice To File Missing Parts was never received. A copy of the front jacket of the file is also attached in support of this, which shows that the last communication from the United States Patent and Trademark Office was applicant's postcard received from the Patent Office on January 29, 2004.

Mr. Williams then advised that the Notice To File Missing Parts was never actually mailed out to applicant since the U.S. Patent Office "had no address of applicant to mail to". This is evident on the copy of the Notice To File Missing Parts faxed to us by Mr. Williams which shows "Not Available" in the space where the address of the attorney for applicant should be, on the upper left hand corner of the Notice attached hereto. A copy of the Notice Of Abandonment was also never mailed out to applicant for the same reason.

At the time of filing this application on January 15, 2004, applicant's address was clearly shown on the Express Mail label as well as on the return receipt postcard (copies of both attached hereto) which was received from the U.S. Patent Office after being stamped received, proving that the Patent Office did indeed have the correct address on file. Moreover, we have followed this procedure in the past with many other applications filed in the same way, using the same application forms, postcard, etc. without incurring a problem.

Since the U.S. Patent Office never mailed the Notice To File Missing Parts to applicant, it was impossible for applicant to respond. Applicant took prompt action to try and remedy the situation as soon as they became aware of the abandonment. As is evident from the transmission date thereon, the attached copy of the Notice To File Missing Parts was faxed to applicant by Mr. Williams on August 22, 2005 and this petition to withdraw abandonment was then immediately prepared. Accordingly, abandonment of this application should be withdrawn.

As part of this petition, applicant is responding to the Notice To File Missing Parts by submitting the required Declaration & Power of Attorney. Also submitted herewith is the Assignment document with the required Recordation Form Cover Sheet, certified copies of the three Japanese priority documents and a further Information Disclosure Statement.

Applicant therefore respectfully requests that this petition be granted so that prosecution on the merits may proceed.

All necessary fees in connection with this matter should be deducted from Applicants' Deposit Account No. 01-1944.

Respectfully submitted,

Eugene Lieberstein
Reg. No. 24,645

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CUSTOMER NO. 01109

MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, MAIL STOP PETITIONS on August 23, 2005.

Date: Aug. 23, 2005

BEST AVAILABLE COPY

Hon. Commissioner for Patents & Trademarks:
Date stamp as acknowledgement of receipt of:

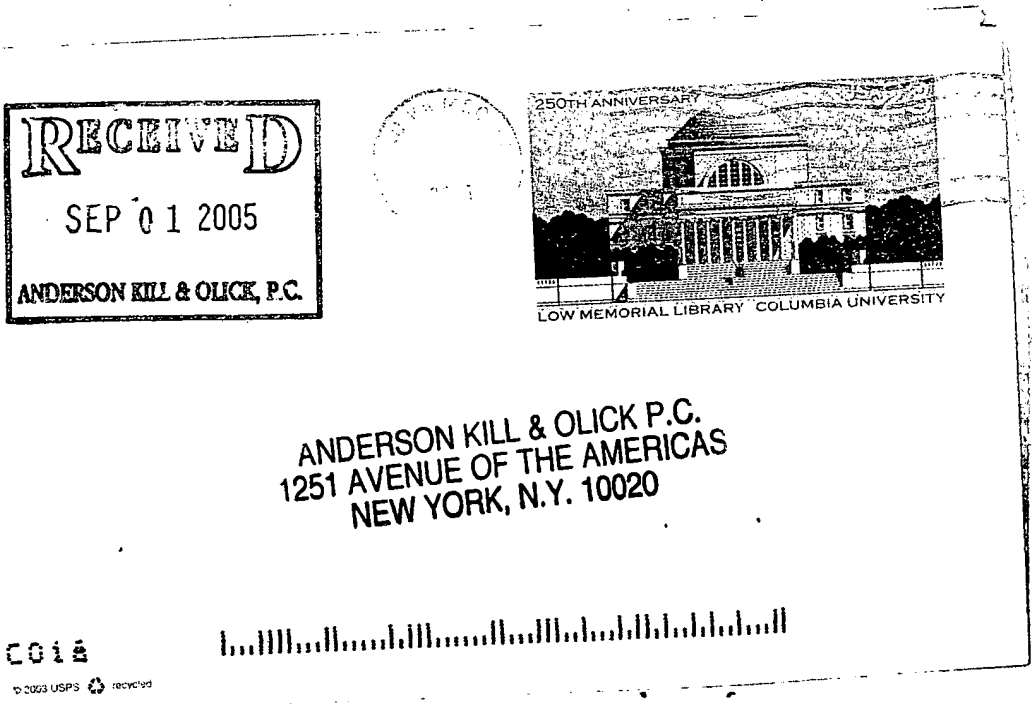
Petition To Withdraw Holding Of Abandonment
Copy of CPI Docket System printout; Copy of front jacket of file; Copy of front & back of postcard; Copy of Express Mail label; 5-pg Declaration & Power of Atty.; 2-pg Assign. Doc. with recordation form; Certified copies of 3 Japanese priority documents; IDS Form PTO-1449 w/copies of cited refs.; Authorization to charge necessary fees to Deposit Account; Certificate of Mailing Stamp

Re: FUJIKAWA, et al - MM4658 - FILED: Jan. 15, 2004
SN: 10/759,868 - **MAILED**: August 23, 2005 – **CUST. # 01109**

MAIL STOP PETITIONS

NYDOCS1-791450.1





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Country Application

Case Number:	MM4658	**Country:** US	**SubCase:**
Client:	Seiko Epson Corporation		United States of America
Case Type:	ORD	**Application Status:**	Pending
Application Number:	10/759,868	**Filing Date:**	15-Jan-2004
Publication Number:		**Publication Date:**	
Patent Number:		**Issue Date:**	
Parent/PCT Number:		**Parent/PCT Date :**	
Parent Issue Number:		**Parent Issue Date :**	
Tax Schedule:	LE	**Expiration Date:**	
Confirmation #:		**Patent Term Adjustment:**	0
Agent:		**Agent Reference #:**	

Family Reference:

List Of Actions

Action(s) Due	Due Date	Action Taken
Information Disclosure Stmnt	15-Apr-2004	Due Date
Application Status Check	15-Jul-2005	Due Date

User ID: MMCGARRY
Date Created: 05-Feb-2004
Last Update: 05-Feb-2004

76965/SEKO
(MATSUMOTO)

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EV331919729US

INVENTOR Masashi FUJIKAWA, et al

SERIAL NO. 10/759,868 FILED January 15, 2004

TITLE DATA READING APPARATUS

ASSIGNEE SEIKO EPSON CORPORATION of Nagano, JAPAN

ASSIGNMENT RECORDED _____ REEL _____ FRAME _____

OFFICE ACTIONS	AMENDMENTS
IDS Filed w/new app.	
* RETURN RECEIPT POSTCARD REC'D. FROM PTO 1/29/04 DATESTAMPED 1/15/04	

ALLOWED _____ FINAL FEE PAID _____

PATENT NO. _____ DATE _____

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DIVISION OF ~~CONTINUATION-IN-PART OF~~ Double: MM 4658

~~CLIENT or TITLE~~ SEIKO EPSON CORPORATION THEIR REF.: F6882-7US00

CANADIAN

INVENTOR FUJIKAWA, et al

OTHER FOREIGN

SERIAL NO. 10/759,868

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